

MONTANA LEGISLATIVE HISTORY

Chapter 270 19 85

Bill H 292 S _____

Original bill & history ✓ c

H. Committee on Judiciary

Hearing Date(s) 2/2 ✓ c

Exec. Action 2/2 ✓ c

_____ c

_____ c

Date Out _____ c

S. Committee on Local Govt

Hearing Date(s) 3/7 ✓ c

Exec. Action 3/7 ✓ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

Ch. No.	Senate Bill	House Sponsor Bill	Title
262		177 J. Brown	AN ACT CREATING A PANEL TO REVIEW CHIROPRACTOR MALPRACTICE CLAIMS PRIOR TO A COURT ACTION; APPROPRIATING FUNDS FOR ADMINISTRATION OF THE ACT; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.Page 553
263		206 Gould	AN ACT TO PROVIDE FOR MANDATORY SUSPENSION OF A DRIVER'S LICENSE FOR FAILURE TO APPEAR OR PAY A FINE FOR A VIOLATION OF THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY LAWS; AND AMENDING SECTION 61-5-214, MCA.Page 561
264		228 Harrington	AN ACT AUTHORIZING SCHOOL DISTRICTS TO ISSUE AND SELL SHORT-TERM OBLIGATIONS TO THE BOARD OF INVESTMENTS; ESTABLISHING TERMS AND CONDITIONS FOR THE ISSUANCE OF THE OBLIGATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.Page 562
265		225 Squires	AN ACT ASSURING DENTAL PATIENTS FREEDOM TO CHOOSE A DENTIST WHEN RECEIVING DENTAL BENEFITS THROUGH PREFERRED PROVIDER HEALTH INSURANCE OR HEALTH MAINTENANCE PLANS; AMENDING SECTION 33-22-1706, MCA; AND PROVIDING AN APPLICABILITY DATE.Page 563
266		242 Cobb	AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO PUBLIC ASSISTANCE; TO EXTEND THE PERIOD OF TIME IN WHICH TRANSFER OF PROPERTY MAY RESULT IN DISQUALIFICATION FOR PUBLIC ASSISTANCE; TO ELIMINATE THE REQUIREMENT THAT COUNTY WELFARE DEPARTMENTS PROVIDE NOTICE TO LAW ENFORCEMENT OFFICIALS CONCERNING THE PROVISION OF AFDC TO A CHILD WHO HAS BEEN DESERTED OR ABANDONED BY A PARENT; TO CLARIFY REQUIREMENTS FOR COUNTY REIMBURSEMENTS TO THE STATE FOR AFDC PROVIDED TO HOUSEHOLDS THAT INCLUDE AN ENROLLED INDIAN; AMENDING SECTIONS 53-2-101, 53-2-601, 53-2-610, 53-4-201, 53-4-233, 53-4-241, AND 53-4-242, MCA; REPEALING SECTION 53-4-223, MCA; AND PROVIDING EFFECTIVE DATES.Page 564
267		243 Rice	AN ACT TO PROVIDE SUPERVISED WORK PROGRAMS AND SUPPORT SERVICES FOR PERSONS WITH SEVERE DISABILITIES; TO REDEFINE TERMS AND CLARIFY PROVISIONS RELATING TO SHELTERED WORKSHOPS AND WORK ACTIVITY CENTERS; AMENDING SECTIONS 53-7-201 THROUGH 53-7-204, MCA; AND PROVIDING EFFECTIVE DATES.Page 567
268		270 Ramirez	AN ACT REQUIRING THE DEPARTMENT OF ADMINISTRATION TO ESTABLISH AND MAINTAIN A CENTRALIZED ELECTRONIC BULLETIN BOARD SYSTEM.Page 570
269		273 L. Nelson	AN ACT TO CONTINUE THROUGH JUNE 30, 1991, THE PROGRAM FOR PROVIDING ASSISTANCE TO FINANCIALLY DISTRESSED FARMERS AND RANCHERS; TO PROVIDE CLARIFYING DEFINITIONS; AMENDING SECTIONS 80-13-102 THROUGH 80-13-104, MCA; REPEALING SECTION 15, CHAPTER 9, SPECIAL LAWS OF MARCH 1986; SECTIONS 4 AND 5, CHAPTER 481, LAWS OF 1987; AND SECTIONS 7 AND 11, CHAPTER 605, LAWS OF 1987; REPEALING, EFFECTIVE JULY 1, 1991, SECTIONS 80-13-101 THROUGH 80-13-104, 80-13-111, 80-13-201 THROUGH 80-13-204, AND 80-13-211 THROUGH 80-13-214, MCA; AND PROVIDING EFFECTIVE DATES.Page 571
270		292 Thomas	AN ACT TO INCREASE THE RATE AT WHICH A FINE IS PAID OFF BY IMPRISONMENT IN LIEU OF PAYMENT OF THE FINE; AND AMENDING SECTIONS 46-17-302, 46-18-403, AND 46-19-102, MCA.Page 574
271		310 Schye	AN ACT REVISING THE MONTANA YOUTH COURT ACT; CHANGING THE TIME IN WHICH A PETITION CHARGING A YOUTH HELD IN DETENTION MUST BE FILED FROM 5 WORKING DAYS TO 7 WORKING DAYS; ALLOWING HEARINGS TO DETERMINE PROBABLE CAUSE TO DETAIN A YOUTH FOR MORE THAN 24 HOURS TO BE HELD BY A JUSTICE OF THE PEACE, A MUNICIPAL OR CITY JUDGE, OR A MAGISTRATE; PROVIDING THAT RECORDS OF HEARINGS MUST BE MADE EITHER BY A COURT REPORTER OR BY A TAPE RECORDING; AMENDING SECTIONS 41-5-301 AND 41-5-303, MCA; AND PROVIDING AN EFFECTIVE DATE.Page 575

HOUSE FINAL STATUS

CHAPTER NUMBER 409 EFFECTIVE DATE: 7/01/89

HB 290 INTRODUCED BY GIACOMETTO, ET AL.
REVISE ICE FISHING RESTRICTIONS

1/18	INTRODUCED		
1/19	REFERRED TO FISH & GAME		
1/24	HEARING		
1/25	COMMITTEE REPORT--BILL PASSED		
1/28	2ND READING PASSED	89	4
1/31	3RD READING PASSED	90	7

	TRANSMITTED TO SENATE		
2/02	REFERRED TO FISH & GAME		
2/07	HEARING		
2/08	COMMITTEE REPORT--BILL CONCURRED		
2/13	REREFERRED TO FISH & GAME		
3/02	HEARING		
8/03	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/04	2ND READING CONCURRED	46	1
3/07	3RD READING CONCURRED	50	0

	RETURNED TO HOUSE WITH AMENDMENTS		
3/09	2ND READING AMENDMENTS CONCURRED	90	3
3/10	3RD READING AMENDMENTS CONCURRED	86	3

3/15	SIGNED BY SPEAKER		
3/16	SIGNED BY PRESIDENT		
3/16	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		

CHAPTER NUMBER 211 EFFECTIVE DATE: 3/21/89

HB 291 INTRODUCED BY THOMAS
ESTABLISH RESPONSIBILITY FOR PAYMENT OF MEDICAL
EXPENSES INCURRED BY PRISONER CONFINED IN
COUNTY JAIL

1/18	INTRODUCED		
1/19	REFERRED TO JUDICIARY		
1/20	FISCAL NOTE REQUESTED		
1/30	FISCAL NOTE RECEIVED		
1/31	FISCAL NOTE PRINTED		
2/02	HEARING		
2/09	TABLED IN COMMITTEE		
2/17	TAKEN FROM TABLE BY COMMITTEE		
2/18	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	2ND READING PASSED AS AMENDED	95	1
2/21	3RD READING PASSED	95	2

	TRANSMITTED TO SENATE		
2/28	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
	DIED IN COMMITTEE		

HB 292 INTRODUCED BY THOMAS
INCREASE RATE AT WHICH FINE IS PAID OFF BY
IMPRISONMENT IN LIEU OF PAYMENT

1/18	INTRODUCED		
1/19	REFERRED TO JUDICIARY		

HOUSE FINAL STATUS

2/02	HEARING		
2/02	COMMITTEE REPORT--BILL PASSED		
2/04	2ND READING PASSED	90	8
2/07	3RD READING PASSED	92	7

	TRANSMITTED TO SENATE		
2/08	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
3/08	COMMITTEE REPORT--BILL CONCURRED		
3/09	2ND READING CONCURRED	49	0
3/11	3RD READING CONCURRED	44	0

	RETURNED TO HOUSE		
3/17	SIGNED BY SPEAKER		
3/17	SIGNED BY PRESIDENT		
3/18	TRANSMITTED TO GOVERNOR		
3/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 270	EFFECTIVE DATE:	10/01/89

HB 293 INTRODUCED BY COHEN, ET AL.
ALLOW CREDIT FOR HOUSEHOLD AND DEPENDENT CARE
BASED ON INTERNAL REVENUE CODE

1/18	INTRODUCED		
1/19	REFERRED TO TAXATION		
1/20	FISCAL NOTE REQUESTED		
1/26	FISCAL NOTE RECEIVED		
1/28	FISCAL NOTE PRINTED		
2/02	HEARING		
3/16	COMMITTEE REPORT--BILL PASSED AS AMENDED		
3/22	FISCAL NOTE REQUESTED		
	ON 2ND READING VERSION		
3/22	FISCAL NOTE RECEIVED		
3/28	FISCAL NOTE PRINTED		
3/29	2ND READING PASSED	58	39
3/30	3RD READING PASSED	66	31

	TRANSMITTED TO SENATE		
3/31	REFERRED TO TAXATION		
4/05	HEARING		
	DIED IN COMMITTEE		

HB 294 INTRODUCED BY GOULD
APPROPRIATE MONEY TO SCHOOL OF PHARMACY TO MEET
ACCREDITATION STANDARDS

1/18	INTRODUCED		
1/19	REFERRED TO APPROPRIATIONS		
3/02	HEARING		
3/08	HEARING		
3/15	TABLED IN COMMITTEE		

HB 295 INTRODUCED BY ADDY
CLARIFY LAW CONCERNING ACCESS TO JUSTICE DEPARTMENT
REPORTS ON CAR ACCIDENTS

1/19	INTRODUCED		
1/20	REFERRED TO JUDICIARY		
2/01	HEARING		
2/09	COMMITTEE REPORT--BILL PASSED AS AMENDED		

1 HOUSE BILL NO. 292
2 INTRODUCED BY Thomas
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE RATE AT
5 WHICH A FINE IS PAID OFF BY IMPRISONMENT IN LIEU OF PAYMENT
6 OF THE FINE; AND AMENDING SECTIONS 46-17-302, 46-18-403, AND
7 46-19-102, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 46-17-302, MCA, is amended to read:

11 "46-17-302. Execution of judgment. (1) The judgment
12 must be executed by the sheriff, constable, marshal, or
13 policeman of the jurisdiction in which the conviction was
14 had.

15 (2) When a judgment of imprisonment is entered, a
16 certified copy thereof must be delivered to the sheriff or
17 other officer, which is a sufficient warrant for its
18 execution.

19 (3) If a judgment is rendered imposing a fine only
20 without imprisonment for nonpayment and the defendant is not
21 detained for any other legal cause, he must be discharged as
22 soon as the judgment is given.

23 (4) A judgment that the defendant pay a fine may also
24 direct that he be imprisoned until the fine be satisfied in
25 the proportion of 1 day's imprisonment for every \$10 \$25 of

1 the fine. When ~~such--a~~ the judgment is rendered, the
2 defendant must be held in custody the time specified in the
3 judgment unless the fine is ~~sooner~~ paid.

4 (5) Any officer charged with the collection of fines
5 under the provisions of this chapter must return the
6 execution to the judge within 30 days from its delivery to
7 him and pay over to the judge the money collected therefrom,
8 deducting his fees for the collection."

9 **Section 2.** Section 46-18-403, MCA, is amended to read:

10 "46-18-403. Credit for incarceration prior to
11 conviction. (1) Any person incarcerated on a bailable
12 offense and against whom a judgment of imprisonment is
13 rendered shall be allowed credit for each day of
14 incarceration prior to or after conviction, except that in
15 no case shall the time allowed as a credit exceed the term
16 of the prison sentence rendered.

17 (2) Any person incarcerated on a bailable offense who
18 does not supply bail and against whom a fine is levied on
19 conviction of ~~such~~ the offense shall be allowed a credit of
20 \$10 \$25 for each day ~~so~~ incarcerated prior to conviction,
21 except that in no case shall the amount ~~so~~ allowed or
22 credited exceed the amount of the fine."

23 **Section 3.** Section 46-19-102, MCA, is amended to read:

24 "46-19-102. Execution of a fine. (1) If the judgment
25 is for a fine alone, execution may issue thereon as on a

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1 judgment in a civil case.

2 (2) If the judgment is for a fine and imprisonment
3 until the fine ~~be~~ is paid, the defendant must be committed
4 to the custody of the proper officer and ~~by-him~~ detained
5 until the judgment is complied with. The imprisonment must
6 not exceed 1 day for every \$~~10~~ \$25 of the fine."

-End-

Representative Brown asked Tom Harrison with regard to the fiscal note which references four counties (Cascade, Gallatin, Lewis & Clark and Yellowstone) and excludes the other 52 counties. Is there any estimate as to what those other 52 counties would cost? Mr. Harrison said they estimate a minimum cost of \$750,000.

Closing by Sponsor: Representative Thomas closed the hearing on HB 291 asking the committee to allow this bill to progress through the system. This burden should not be left on the county.

DISPOSITION OF HOUSE BILL 291

Motion: None.

Discussion: Rep. Hannah said there is a system for indigent court costs that has a large amount of money in it. There is no funding for it. If there was time to look into some funding the bill might be able to pass.

Rep. Brown agreed that the idea might pass the House, but at this point it would disappear into the Appropriations Committee and never be seen again.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: Rep. Brown said the bill would be held for further consideration. No further action taken.

HEARING ON HOUSE BILL 292

Presentation and Opening Statement by Sponsor:

Representative Thomas stated that HB 292 is an act to increase the rate of which a fine is paid off by imprisonment in lieu of payment of the fine. That change is being raised from \$10 to \$25 per day. That is the sole purpose of this bill. The present \$10 amount was established in 1967 and any value, including fines established by judges, have increased over that 23 year period. Accordingly, this would keep up with the time frame being dealt with.

Testifying Proponents and Who They Represent:

Tom Harrison, Montana Sheriffs and Peace Officers Association
Barry Michelotti, Cascade County Sheriff

Proponent Testimony:

Tom Harrison said this bill tries to keep up with the times. Sheriff Michelotti informed him that in his jail the actual cost to maintain a prisoner is \$38 per day. There is no direct relationship between that and this bill at \$10 or

\$25. Many of the fines over the past few years have taken off as far as amount is concerned. Many fines that were \$50 ten years ago are now \$250. For the indigent person, there is a vast difference between \$10 and \$25. Serving out a fine is tough time and the facilities are such that many of them indicate they'd rather be in a prison than in the county jail. Yet, they are faced with serving fines that are vastly more money than they were a few years ago. At \$10 per day a \$250 fine would be 25 days for a true indigent person who has to serve it. Many JP's in different places are supportive of this bill because they have no problem about how long it will take the person to serve the fine because if they think the person should have 10 or 25 days in prison they can fine him accordingly but what they can't do is reduce the fine down so they think it's a fair fine at \$10 knowing he'll have to serve it.

Barry Michelotti rose in support of HB 292 saying not only will it help the counties, but it will make a fair justice system for the indigent offender.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

No questions were asked.

Closing by Sponsor: Representative Thomas closed.

DISPOSITION OF HOUSE BILL 292

Motion: Rep. Darko moved HB 292 DO PASS, motion seconded by Rep. Wyatt.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: Question was called on the bill and CARRIED with Rep. Gould voting Nay. HB 292 recommended DO PASS.

DISPOSITION OF HOUSE BILL 439

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 292

Presentation and Opening Statement by Sponsor:

Representative Fred Thomas, house district 62, stated HB 292 is an act to increase the rate at which a fine is paid off by imprisonment in lieu of payment of the fine. In Section 1 (4) line 25 it increases the fine day satisfaction amount from \$10.00 to \$25.00.

List of Testifying Proponents and What Group they Represent:

Tom Harrison, MT. Sheriffs & Peace Officers
Scott Turner, Yellowstone County
Jim DuPont, Mt. Sheriffs & Peach Officers Assn.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Tom Harrison stated there is; 1. an apparent disparity in the fines. The time in jail costs the county \$37.00 per day and the prisoner serves it out at \$10.00 per day. 2. This bill is keeping up with the times. Allowing more flexibility to the lower courts and the judge can control the fine and have the time in jail shorter.

Scott Turner from Yellowstone County stated that each prisoner day in the jail costs the Yellowstone County about \$60.00. When one pod becomes full they have to open another pod and that drives the per prisoner cost up. They have traffic violators paying off their fines at \$10.00 per day so the economics of this law needs to be upgraded. I would appreciate your support of this bill.

Jim Dupont as vice president of MT Sheriffs and Peace Officers Association asks your support of HB 292. Flathead County has a new facility and it is at maximum

capacity for long periods of time, so with this raise they could release prisoners sooner, and thus relieve the over-crowding.

Questions From Committee Members: Senator Hammond asked Tom Harrison if there are habitual offenders? Yes habitual offenders will get a 250% raise.

Closing by Sponsor: Representative Thomas stated this has been a good hearing.

DISPOSITION OF HOUSE BILL 292

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Vaughn MOVED that this committee DO CONCUR with HB 292. The VOTE was UNANIMOUS in FAVOR of HB 292. Senator Hammond will carry HB 292 to the Senate floor.

HEARING ON HOUSE BILL 291

Presentation and Opening Statement by Sponsor:

Representative Fred Thomas, house district 62, stated this bill is to help establish responsibility for payment of medical expenses incurred by a prisoner confined in a county jail. If a person is in jail and needs medical attention, who is responsible for his medical expenses? Mr. Thomas drew attention to page 2, lines 4 through 12 as amended says the prisoner is responsible for his medical expenses if he is able to pay. Estimate on medical costs range from \$300,000 and up. Depending on the severity of the situation, it could be very costly to counties. Please consider this bill.

List of Testifying Proponents and What Group they Represent:

Gordon Morris, MACO
Tom Harrison, Mt. Peace Officers Association
Wally Jewell, Mt. Magistrates Association, Helena
Jim DuPont, MT. Sheriffs & Peace Officers

List of Testifying Opponents and What Group They Represent:

Alex Hanson, MT League of Cities and Towns
Shelly Lane, Director of Administrative Services,
Helena